

C O P Y

*in opinion*

417A

June 25, 1957

Honorable Dean B. Merrill  
Chairman, Senate Finance Committee  
Senate Chamber  
Concord, New Hampshire

Dear Senator Merrill:

In a letter dated June 20, 1957, addressed to Mr. Wyman you referred to certain footnotes added to House Bills No. 416 and No. 417, the budget acts for the ensuing biennium. You inquired concerning the nature and extent of the limitation placed by such footnotes upon the expenditure of funds to which they apply. In Mr. Wyman's absence and with the understanding that you desire an early expression of our opinion I am taking the liberty of replying.

The footnotes, you advise, apply to the Legislative Council and to its tentative appropriation of \$2,500.00 for each year of the biennium. The footnotes appear in the following form:

"Legislative council

\*\* \$2,500.00

"\*Notwithstanding the provision of other statutes, the expenditure of this appropriation shall be limited to the consideration of all matters referred to it by the general court, by the governor and council and by state departments."

Upon an examination of RSA 17 - the statute dealing with the Legislative Council - this office is of opinion that the effect of the footnotes is practically to suspend the authorization contained in section 4 that the Council may consider "such problems of major concern throughout the state as might reasonably be expected to come before the general court for its consideration", and to limit the Council's deliberations to "matters referred to it by the general court, by the governor and council and by state departments." It is true that technically the power of the Council to consider broad matters not referred by one of the agencies listed in the footnotes would continue. But none of the funds appropriated in connection with the footnotes might be expended therefor.

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It does not appear that the purpose of the footnotes is in any other way to limit the Council in the use of its funds. Specifically the Council might use its moneys for its general expenses and for the proper costs as in the past - with the sole limitation, as indicated, that such costs and expenses be incurred in connection with matters properly before the Council as provided in the footnotes.

Very truly yours,

Warren E. Waters  
Deputy Attorney General

WEW/aml